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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 PATRICIA BEERS,) Case No.: 2:17-CV-8781 JAK (GJS)

12 Plaintiff,)

13 v.)

Hon. John A. Kronstadt

Magistrate Judge Gail J. Standish

14 CITY OF LOS ANGELES, a)
15 municipal entity; LOS ANGELES)
16 CHIEF OF POLICE CHARLIE)
17 BECK, COMMANDER ANDREW)
18 SMITH, CAPTAIN JEFF BERT,)
19 OFFICER GARCIA (#33024), and)
20 DOES 1-20, inclusive,)

21 Defendants.)
22)
23)
24)
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26)
27)
28)

**DECLARATION OF PLAINTIFF'S
COUNSEL**

DECLARATION OF COUNSEL

I, Morgan Ricketts, counsel in this matter for Plaintiff Patricia Beers, make the following declaration pursuant to this Court's minute order of June 12, 2018:

1. On May 8, 2018, I received the Notice of Electronic Filing of Document 64 setting a Scheduling Conference for June 4, 2018, and reviewed it. My normal practice would be to immediately handwrite the relevant dates into my paper calendar, but in this instance I did not record the Scheduling Conference date. I do not know why I failed to do that in this instance.

2. I filed the parties' Joint Report on May 25, 2018, as ordered, but did not review my calendar at that time to make sure that the June 4 date was correctly recorded. From June 2 through June 4, I had family visiting from out of state and staying with me, which consumed much of my time and attention for those days. In addition, June 5 was my deadline to file an Opposition to MSJ in another federal case (2:17-CV-02835-CBM-JC) in which the parties have filed cross-MSJ motions on a number of complex constitutional issues, and so from several days before the Joint Report was due and continuing to today, my attention has been largely devoted to those MSJs. I believe I would have independently thought to check on the hearing date had I not had so many other things going on at the time. I sincerely apologize to the Court and to defense counsel for the inconvenience.

1 3. Defense counsel alerted me to my non-appearance later the same day,
2 June 4, and mentioned that there would be an order coming. On June 8, I emailed
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4 defense counsel stating I had not seen the order yet and asking what had happened
5 at the conference. I did not receive any response. This morning when I checked
6
7 my email, I saw the notice of case activity in this matter and read the Court's order
8 directing me to file this declaration by June 11. That notification was emailed to
9
10 me at 7:43 a.m. today, June 12. I do not know whether the June 11 date was a
11 typographical error or if there is some unexplained delay in my receipt of the email
12 notification.

13
14 I make the above declaration under penalty of perjury of the laws of the
15 United States.

16 DATED: June 12, 2018

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18 By: /s Morgan Ricketts
19 Morgan Ricketts
20 Attorney for Plaintiff Patricia Beers
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